

CEDAR LAKE CHAMBER OF COMMERCE MEETING

September 19, 1977

Meeting held at the American Legion
Building, Cedar Lake, Indiana

APPEARANCES:

Jack LeMay, President, Cedar Lake Chamber of Commerce
Ernest Niemeyer, U. S. Senator
Gordon Lance, Department of Natural Resources
Robert Glazier, Department of Natural Resources
Lee Berry, Congressman Floyd Fithian's office
Mike Pentiss, Senator Birch Bayh's office
Milton Mitnick, Director Civil Defense, State of Ind.
Mr. Grieger, County Civil Defense
Robert Warda, Army Corps of Engineers
Steve Grish, Cedar Lake Town Board Trustee
Representative of Lake County Commissioners' office

BY JACK LeMAY:

Please rise for Pledge of Allegiance. (Whereupon Pledge of Allegiance was had.)

I believe most of you people here know what we are here for. For those of you who may have some doubt, I would just like to say that we are here to discuss the petitioning of things for restoration and clean up of Cedar Lake. This meeting will be run under our own set of rules this evening, and I have to explain to you how we have it set up. The gentlemen you see here will each speak to you in turn, and at the end of the evening after all have spoken, we will open this meeting up for question and answer session.

At the time that we open up for question and answers, I would like to have you, when the chair recognizes you, stand up and state your name clearly and loudly. If you are with an organization, or if you are representing an organization, tell us what organization you represent and where you live, for instance, Cedar Lake, Lowell, Crown Point, etc., and you will be allowed three (3) questions, so listen to these questions carefully. You will be allowed three (3) questions. We ask that you stick strictly to the subject that we are discussing here this evening, that is the obtaining of the funds for the cleaning up of Cedar Lake. Otherwise, we will be here all night.

In a few minutes I'm going to turn this meeting over to the gentleman that has worked very, very hard to bring this meeting about, and worked very, very hard to help us. However, before I turn this meeting over, I would like to ask Mr. Grish here to read a statement that he has here, and that I think will be of interest to all of you.

BY STEVE GRISH:

Thank you, Jack. Before I do read this, I would like to say a

special thank you to the gentlemen sitting at the front table for their interest in being here, and also a very special thank you to each and every one of you. You are the people that help represent the public. I'm sure your questions will be appreciated tonight.

What I'm about to read is one sentence before I sit down, and I don't want to carry it out too long. I want each and everyone of the gentlemen here at the front table to keep it in mind as this thing goes along. This is from the State of Indiana, the Department of Natural Resources. It's the Natural Resources Commission and policy which was adopted June 27, '68. It's quite lengthy but really the only sentence that is important is really the first one, as I figure it. It goes like this: "It shall be the policy of the commission of the Department of Natural Resources to preserve the remaining natural wetlands of the State of Indiana."

"Natural wetlands" in this case are the waters of Cedar Lake and adjoining marsh on the south end of the lake. At this, I'll give the floor back to the chairman, Jack LeMay.

BY JACK LeMAY:

Thank you, Steve. At this time I would like to turn the meeting over to, as I said, the gentleman who put a great deal of effort in this thing, and he will be your chairman for the rest of the meeting, Senator Niemeyer.

BY ERNEST NIEMEYER:

Thank you, folks. We have been here before, as you know. We had a meeting a year ago in April at the Town Hall, then which was on Route 41, and we discussed many of the things then, and we asked the Department of Natural Resources and, in fact, the Town Board passed a resolution to that effect, requesting the Governor's office, the

Department of Natural Resources and all others that could possibly be of help with the problems we have had with lake restoration and water control.

I feel that since I'm a life-time resident of the area, that I kind of look back and get some feel of where we are going. All the information that has been brought to my attention - I was on Natural Resources Committee for four (4) years, and visitor to the Kankakee Kiwanis Stream and Soil Conservation District, and all the information from the Board of Health and Army Corps of Engineers and anybody else, is that Cedar Lake has a problem. Well, you know that we are living with a problem, but the big crux of the thing is where is the turning point? Well, a few years ago they said if you get sewers in, get rid of some of that sewage and problems that have polluted the lake, there is a very strong possibility of getting assistance from the state and federal governments, especially from the federal government, and we got documents to prove this. In fact, they are here. I don't think I'll be going into detail about the documentation to this effect.

Now the county has come along and said that since you put the sewers in, with the exception of one area of the lake, there has been a tremendous change. The last test there shows there has been a tremendous improvement. That is part of the problem of the pollution, but that's only a small portion of what we have to contend with. I think that our question that we need to have answered - I'm not talking so much about funding, but expertise and aid from the federal and local level where you would ask, "What can you do for us?"

Now the report shows that back in 1915, in the area of 1915 or '20, we had approximately from twenty-one (21) to twenty-four (24) foot of water

depth average in the lake, and now our report, including the one from the County Board of Health and from anybody I have been able to get reports, it's running closer to eight (8) foot. In other words, about eight (8) foot of water and the rest is either fill-in or foreign material. We are talking about better than half of what used to be water is now something else, and that is alarming.

What are we going to do about the water level? The water is not going over the dam, we have stagnation, no aeration. We have a problem with that. Think of these points, because these are things that I feel represent this district from state level which we would like to have some discussion on or answers from, and also about the water input. I was to a town board meeting where some people talked about how there used to be some tributaries and waters that came into the lake that don't any more; they by-pass us. Please don't bring in Francher Lake, because it's not in this watershed; it goes in other direction. This watershed starts on the south side of Crown Point at approximately the south border of the fairgrounds, right in that area, the Hermit's Lake area and goes up and catches the Lake of the Four Seasons, swings up this side and catches part of St. Joe, that's what we call Kankakee River basin watershed, where this water flows down to somewhere in the Kankakee River basin watershed. Francher Lake does not go in this direction. There might be one water level. So all the stories you have heard about that, all the reports and everything we have, as far as the records show, Francher Lake is not part of this watershed.

You talked about activating pumps. Two pumps were activated. One is going. It caused problems, complaints. Maybe Mr. Grish can tell us about that because, as you know, Lake County was declared a drought

area not long ago by the Governor's Office. The water level had dropped. Some of the wells were not getting the input. In fact, the center wells were not able to draw water. Lowell has a problem of water, and they are trying to get assistance. In fact, they went with us to Chicago with Mr. Mitnick to try and get assistance from the federal government. Lowell is now in the process of getting disaster aid at a very low interest rate. At the time we went to Chicago we brought this problem of Cedar Lake, and said, "Send us assistance." They said we have to go back and get more reports. Well, we know what these reports and studies are. We can study things to death. We know what the problem is. We would like to have their expertise, tell us if they can recommend what our route would be. In other words, is there assistance between state and federal level to coordinate with E.P.A. which is our agency, and State Board of Health and local County Board of Health. I talked to Oral Martin from the State Board of Health. He could not make the meeting, but they are very up to date on one problem of Cedar Lake, and very willing to work in any area. In fact, they would coordinate with E.P.A. out of Chicago Region 5 with anybody we feel that we can come up with.

Now as far as additional engineering reports or statistics, I think that we can compile what we have with DNR resources, the State Board of Health and with the Army Corps. I believe now that under the new act the Corps has jurisdiction of any construction or any kind of work to be done in the Lake area, because it's under their jurisdiction, now concerned with wetlands. So maybe the gentleman from the Army Corps can hit on that a little bit. They could either help or allow us to do things as far as financing. I have been told, and told here again tonight that from the state level the State of Indiana has funds set aside, saying "We have so many dollars," whether thousands or millions, "for this type of purpose, to help clean up

Cedar Lake."

It's a state lake, but all the ground around it is owned by private property owners. We have one entrance to the lake which is state owned on the north side of the lake which is under the jurisdiction of DNR. We have been talking with the Town and Park Board hopefully of getting some kind of agreement on how to take care of it as far as policing, sanitation, and this is something we are still in the process of working out.

By the way, our Third District County Commissioner could not make it tonight. The town meeting was supposed to have a representative here from the County Commissioner's Office.

BY LEW WATERS:

I'm here.

BY ERNEST Niemeyer:

Would you mind coming up here and having a seat here.

I was told by Mr. Henderson and Mr. Warden of the Park Department that the County Commissioners are in the process of engaging or renting or contracting a machine; we're talking about not a dredging machine, but something that will take out silt, as they have at Wolf Lake in Hammond and, in fact, some of the lake shore of Lake Michigan. This would pick out some of the silt or foreign material, but the problem there is you have to move to close area. I said we have an area we call "Old Hawkinson marsh," a slough that lays south. There is an area that maybe the County Commissioners could work with Cedar Lake with the use of this piece of equipment if they do contract. I don't know if you know anything about that. It was in the paper recently. The Park Department has been discussing it. There might be a thought. So there are some things we can talk about, but as far as money, I can't stand here and tell you there is any money available in the state. Now in the federal government there are three (3) or four (4) different areas we can work with.

Through the E.P.A., of course the Corps. The Corps doesn't have money, but can send us their experts. I wouldn't be wrong on that.

Here is the way we are going to handle the meeting. The first part will be panel and then the people that want to can ask questions, of the panel members. When we get through we would like to have you folks ask questions you feel haven't been answered in order to be fair to these gentlemen, the format we talked about earlier. We want to stick with what we think is important part of the program. After we get through with introductions here I would like to read a report from Thomas Theis, Assistant Professor, Department of Engineering, University of Notre Dame, who has done some work in lake restoration, and then we will go on from there.

I would like to introduce some of the people here. I would start out by introducing Mr. Lee Berry from Floyd Fithian's office, and I would like to have him introduce the gentleman from the Corps. Would you give us your title, Mr. Berry?

BY LEE BERRY:

Lee Berry, my title is Project Coordinator, I'm from Floyd Fithian's office. Bob Warda is here from the planning section of the U. S. Army Corps of Engineers, Chicago District.

BY ERNEST NIEMEYER:

I want to introduce Mr. Milton Mitnick who is director of the State Civil Defense, Indianapolis, Indiana; next to him is Mr. Grieger of our County Civil Defense who has been very cooperative in our problems we have had, with Kankakee River and other water problems; next to him is Gordon Lance, head of basic planning for the Department of Natural Resources, State of Indiana; Bob Glazier, head of Lakes and Streams, works with the water division of the Department of Natural Resources. I have introduced the gentleman to my right, and next to him is Mike Pentiss from U. S. Senator Birch Bayh's

office, and you met Steve and the president of the Chamber of Commerce.

I appreciate this, to me it's a pretty grand turnout when you get representatives of U. S. Senators, representative of a Congressman, and Corps of Engineers, and I consider these from DNR top water resource people, and I think that if you don't get anything done, it won't be our fault. There ought to be a few things brought out into the open and get some kind of feel what measure we can go.

I went to a meeting at one of the state parks and we had some movies showing Michigan and Wisconsin lake restoration where they used experimental plans of water restoration and irrigation of lakes.

, I'll now read this report:

"LAKE RESTORATION THROUGH FLUSHING:

Introduction

Section 314 of Public Law 92-500 (Federal Water Pollution Control Act Amendments of 1972) provides federal money, on a cost sharing basis with the states, for the carrying out of 'methods and procedures,...to restore the quality of (eutrophic) lakes.' These restoration methods are of necessity experimental in nature since lake restoration techniques are largely in their infancy at this time. For the current fiscal year, \$15,000,000 has been appropriated under this section. Indications are that further appropriations will be made in future years. The initiative for obtaining a portion of these funds rests with the states themselves. A suitable lake restoration project must be outlined and appropriate state funds must be made available under the cost sharing aspect of section 314. This paper will suggest a viable project within the State of Indiana for the restoration of Cedar Lake, a large

"(800 acre) highly eutrophic lake in the northwestern part of the state.

"General Principles of Cycling in Lakes

In some of his earlier work on U.S. lakes, Sawyer suggested that phosphorus was often the limiting nutrient in the production of algae blooms in lakes. A limiting value of 10 ug/L P was given as the level of phosphorus above which nuisance blooms were able to occur assuming no other nutrients were limiting. Vollenweider has since indicated the general validity of this for European lakes.

"Lake Restoration Technique

Numerous restorative techniques for culturally eutrophic lakes have been proposed and/or are being evaluated. Among them are the following:

1. simple curbing of nutrient inputs,
2. dredging of sediments,
3. harvesting of algae and rooted plants,
4. nutrient inactivation/precipitation,
5. hypolimnetic aeration,
6. bottom sealing,
7. sediment exposure,
8. ecological manipulations,
9. application of selected biocides, and
10. dilution or flushing.

"Each of these techniques has advantages and disadvantages depending upon the particular system to which they are applied.

"This paper suggests the testing and evaluation of a relatively new technique-that of flushing out a eutrophic lake with a low

"phosphate water source. Some potential advantages and benefits of such an approach to improvements in water quality are as follows:

1. significant improvements in lake water quality could be achieved quickly,
2. conditions could be created whereby exchangeable phosphorus in sediments could be significantly reduced thereby effecting a permanent improvement,
3. the nutrient level in the water could be adjusted by varying the degree of treatment. This is of potential use in the establishment of a well balanced aquatic ecosystem (enhancing fish life, etc.),
4. costs will likely be lower in comparison with many other currently proposed lake reclamation techniques, and
5. using this method, no adverse pollutants will be added to the lake system.

"Application to Cedar Lake

Cedar Lake is a large, heavily used and badly polluted water body located in Cedar Lake, Indiana. Water quality of this resource has deteriorated steadily in recent years to the point where the State of Indiana considers it to be among the worst bodies of water in the state. Cedar Lake displays the classical signs of premature aging associated with what is generally referred to as 'cultural eutrophication.' These include large nuisance blooms of blue-green algae, high phosphate levels, increased rates of sedimentation, dissolved oxygen depletion during summer months, and little species diversification.

"Recently a sewer system was installed around the lake in an effort to curb nutrient inputs. While a necessary step in restoring the lake, it is unlikely that this step alone will bring about significant improvements in water quality. Large amounts of phosphorus are readily available in the lake sediments and, as

"indicated previously, this element can cycle within a lake system for long periods of time.

"Simple calculations put the hydraulic residence time, t_W , of Cedar Lake at 5 to 6 years. Phosphorus residence time is probably considerably longer. It appears that Cedar Lake could benefit from an artificial lowering of both the hydraulic and phosphorus residence times. This could be accomplished through the flushing of the lake with low nutrient groundwater. It is proposed that several wells be located at strategic points around the lake in order to accomplish this. It is estimated that ten such wells operating at a nominal capacity of 500 gallons/minute could lower t_W to around one year. Larger pumping rates will lower it a proportionate amount further. Thus the lake would be flushed six or more times faster than presently. Such an increase should bring about definite improvements in water quality.

"It should be noted that for experimental and demonstration purposes, the choice of Cedar Lake is a fortuitous one. It is a large lake with heavy use patterns; a source abatement program (sewers) has already begun; it is nevertheless badly polluted; individuals located there are genuinely concerned about the lake's condition; there appear to be ample groundwater reserves; and the lake has one major hydraulic outlet (the entire water system is part of the Kankakee River system). This last point is of obvious importance in the consideration of a flushing method."

Then it goes into cost, and I won't go into that. There is one point I want to bring out, I very strongly feel kind of put on the fence in this deal. It has been talked about for years. In fact, Mr. LeMay has

a report of 1902 survey of the lake made by the Conservation Department of Indiana, which was then the Department of Conservation, that there were springs in this lake that were furnishing water. Now all my reports from both DNR, State Board of Health and County Board of Health, and all their tests and all of the methods they used say no springs in Cedar Lake. It's not a spring-fed lake, so here is a point of contention we argue back and forth on, and all the water either has to come in from the tributaries or through natural ways that the lake would get its capacity. So this is a point of contention that a lot of the old-timers here, including this report here, are arguing. So with this format, I would like to have the gentleman from the Corps make a statement as far as what he feels that he would like to offer to us, and then we'll be ready for some questions from members of the panel. Then we'll go from there.

BY BOB WARDA:

I would prefer a question from the panel.

BY ERNEST NIEMEYER:

Tell us of your jurisdiction of Cedar Lake, what is the Corps' jurisdiction over Cedar Lake?

BY BOB WARDA:

Well, a permit will be required first for disposition of assignment for recurrent of any water from dredging detail.

BY ERNEST NIEMEYER:

One question, if we went into the plan and talked about it with the county, where we would have to move off the lakebed south into an area close to the lake, would that require any jurisdiction from the Corps?

BY BOB WARDA:

More than likely yes, because there would be a large quantity of water fall and this would have to run out of the whole area back into a water course, so it would be required to assure that the water coming out of the dredge material does meet federal standards.

BY ERNEST NIEMEYER:

At this time I would ask if either Mr. Glazier or Mr. Lance would care to make a statement concerning the meeting we had a year ago in April, and if they would like to report on anything they have come up with or in addition that we talked about at that meeting.

BY ROBERT GLAZIER:

As I recognize several people here from the meeting a year ago April, I don't want to go over the same things we did last April. I do want to make a few points clear. The Senator did a very good job, and I do want to make it very clear we don't have any money to renovate Cedar Lake, only because the legislature has never authorized a program such as this or funded this program. That is why. The federal government does have funds available for programs and we will talk to you about that later. Some of the things that we can't do is give you money, and I think everybody is agreed the report the Senator just read says Cedar Lake has a problem. We don't want to waste any more time today. Cedar Lake has a problem. It's a matter of what we are to do about it, and where we can get the money. I can't help you with the money, but from the standpoint of expertise to help develop a plan to do the job, we can provide that, Senator. We would be happy to. I would say also that if we could go whatever procedure is decided on to improve the water quality of Cedar Lake, I'm sure we can do some-

something about the fisheries. But in a situation such as Cedar Lake, we are not going to spend money on renovation and restocking until we improve the environment, because we would just be wasting the citizen's money and the state's time in considering such a program. Once we improve the lake, I'm sure we can do something about the fisheries. I'm certain it's important to several people here.

Do you want to go into the methods now on what can be done, or save that for another time?

BY ERNEST NIEMEYER:

Explain to us if the lake or watershed in a game preserve or fish and wild-life area comes under a different funding; if funding is available but not for a lake that has private ownership property around it.

BY ROBERT GLAZIER:

Yes, that's what the problem of Cedar Lake is; it's defined as a public, fresh water lake. All this means that it's under the police powers of the state. The state has jurisdiction over the waters of the lake and, therefore, requires permits to do several things in the lake, like dredging, filling, etc., and also this gives the conservation officers authority to invoke laws to regulate boating, these type of things.

Whereas state parks, fish and wild life properties are owned by the state, you people own your own lot, and the state has certain capital improvement funds to do certain things on those pieces of property.

ERNEST NIEMEYER:

As a legislator, I know special legislation was passed similar

to highway legislation. Last year we passed legislation setting aside one area that was a prime area of concern, it dealt with plant life. We have 10,000 people depending on this lake. Now would there be such a thing as suggesting to DNR there could be legislation that could be implemented or passed that would give us an input to the fruitful solution, because if the lake should, in other words, continue to go into the area where we can't use it any more, where it would jeopardise the livelihood of the business community and everything else, what would you recommend be the area there we could work on?

BY GORDON LANCE:

I think DNR would certainly not be opposed to any legislation to allocate funds to this program. As far as I know there has never been a bill in the legislature.

BY ERNEST NIEMEYER:

Thank you. Mr. Grish has a question.

BY STEVE GRISH:

Mr. Glazier, I wonder under your definition of public fresh water lake versus a fish and wild life area, who built the reservoirs?

BY ROBERT GLAZIER:

The Army Corp of Engineers built those reservoirs and leases them on a 99 year lease to the state for recreational purposes. They retain control of the dam, flood control of the reservoir, and the state takes over recreation possibility.

BY STEVE GRISH:

So to your knowledge DNR has never extended any funding for a public fresh water lake?

BY ROBERT GLAZIER:

As far as reservoirs, the only thing we discussed at the last meeting quite extensively as a matter of fact, one area we do have funds is for structural control storage such as the one on Cedar Lake which I believe was built by private local citizens of the town many years ago. This is one area we have funded. We are building structures on several lakes. We talked about this quite a bit at the last meeting. We would have funds to do that, and do that at Cedar Lake if and when we find we needed new structural control.

BY ERNEST NIEMEYER:

In regards to Monroe Reservoir, when that was built, that was built by the Corps, but now that has been diverted into private property being sold on the lake front. What is the situation, does the state lose jurisdiction, or does the state still take care of Monroe when it goes into private property ownership like we have at Cedar Lake?

BY ROBERT GLAZIER:

No, there is a difference, Senator, no private landowners up to the reservoir. When they buy the property on those reservoirs, they buy several feet above the flood control pool. Sometimes that means a half mile from the lake or even more.

BY ERNEST NIEMEYER:

Thank you Bob. We'll hear from Gordon Lance now.

BY GORDON LANCE:

Bob is from our lakes and streams division. He is an expert on lakes. I'm not generally involved with lakes, but I'm a hydrology engineer which means I play around with water.

I would like to suggest to you two reasons for perhaps some of the current problems we are experiencing here at Cedar Lake, one is natural and one is man-made. The natural reason is simply this: We have some vast water resources here in the State of Indiana. We don't always have all the water we want where we want it, but by and large we have adequate water in the State of Indiana. Much of it is in the form of ground water. As rainfall occurs over a period of time, much of this seeps into the soil and there it remains solely to seep out into streams. Over a long period of time this water will build up. When we have wet years the ground water will rise, and dry years it falls.

If you will recall last winter, I don't think anybody can forget the extremely cold winter, commencing about October of last year, we had a series of cold fronts moving down from Canada, very, very cold, it ran all fuel bills up, very, very dry. We had several months where most of our stations in Indiana observed less than one inch of rainfall, mostly that was in the form of snow, about ten inches, but very dry. Up until July and August of this year, on a state-wide basis, we had a mini-drought period. Now this suggests to me that ground water levels ought to be depleted as water runs out of the ground into the various streams and waterways.

Here in Lake County we really can't see this effect because of heavy pumping in the area for irrigation purposes, which has caused ground water to drop eight or nine feet. All we look at when we look at the lake is merely surface manifestation of the ground water level in that area, so we can see that this particular dry fall in the winter of last year has not put the water back into its natural environment here.

The second, man-made reason is really sewer system. Prior

to construction of the sewer system people would be drawing water from the ground water levels and returning it into the ground water level via septic tanks. Now with the sewer system, what we are doing is, in essence, withdrawing water from the ground in this area, thereby placing a drain on ground water system and transporting that water to another watershed for treatment. We certainly can't argue with this because it will in the long run certainly improve the waters of the lake. It will help keep the federal criteria for water. In the interest of clean water we certainly can't argue with it, but it does remove two to five feet of water from this particular environment per day, and that is a lot of water. So with that, I would sit down.

BY ERNEST NIEMEYER:

You say two to five feet?

BY GORDON LANCE:

Acre feet. An acre foot of water is simply a depth of water twelve inches spread over an acre of land.

BY ERNEST NIEMEYER:

I'll ask you one question that has been thought about in the years past. I know that a lot of water has been running into the sewer system. Have you in your report, either you or Mr. Glazier, found that there is a possibility of getting more water for the watershed in this lake? Do you feel some tributaries could be diverted back, getting more water coming into the lake?

BY GORDON LANCE:

Diversions took place; in fact, took place in the county drainage system. In most of this country it's reasonable to divert water from one watershed to another, and basically how much of this has

been done in the past depends upon the records that are available in the County Surveyor's office. We really have no records to that effect in our shop. We'll have to go back to the mid sixties and get the names from this area to show the drainage pattern. The county Drainage Board and their predecessors have records of wells since 1851, so just how much of this has been done, and whether other downstream property owners would object to these diversions is a matter for quite a bit of research, and a lot of that is legal research.

BY ERNEST NIEMEYER:

I mentioned about the water source from tributaries. Would DNR go along with it?

BY GORDON LANCE:

It's very hard to tell. There are no reasons to doubt the old reports. What they would tend to indicate to me is that there was a higher water level in the past which would have created hydrostatic water to come up out of the bottom of the lake. There was a greater force, forcing the water for recycling in the vicinity. It apparently no longer exists. We have nine, ten thousand people, all those wells sucking, drawing on that same ground water. Perhaps removing enough of this hydrostatic composition, this condition would no longer exist. Thick silt and debris from the bottom is blocking - if there are springs, the activity of the springs. You would never really know until you did some borings in the lake itself to see how much of a positive thing you have on the bottom of the lake, the silt materials.

BY ERNEST NIEMEYER:

Would there be potential detrimental effects from a dredging operation? Would you speak on that issue.

BY GORDON LANCE:

There could be some potential detrimental effects to the dredging if, as some of our geologists in our department suspect, Cedar Lake is, in fact, sealed by the mud seal on the bottom. In other words, if the ground water levels outside or below the mud seal are lower than the level of the lake itself, by dredging and breaking through that seal and exposing the sand and gravel material underneath the ground water, the lake water could percolate into the ground instead of the other way around, and this would be a matter for some testing prior to doing it. I don't know; it could go either way.

BY ERNEST NIEMEYER:

Would that have to be under a contract?

BY GORDON LANCE:

We don't have equipment to do that.

BY STEVE GRISH:

Regards to clay bottom you're talking about, what about the silt that sits upon the clay?

BY GORDON LANCE:

Well, silt and clay are soils that people will give you two different names for; very fine-grain material, fine, flat-flaked material, just different variations. Clay is finer, and chances are a better seal, more hydrolically sealed, and silt and what you are seeing washing into the lake is really a collection of silt and clay mixed with other materials.

BY STEVE GRISH:

It would be hard to separate those two if you have a sucking or dredging action?

BY GORDON LANCE:

I don't think you could. You could just go to a certain depth and get everything.

BY JACK LeMAY:

You say you don't have the equipment to do this. Who does have the equipment?

BY GORDON LANCE:

There are qualified testing firms which have this type of equipment.

BY JACK LeMAY:

Would it have to be contracted with the state to do this, or with a private firm?

BY GORDON LANCE:

A private firm would have to do this.

BY JACK LeMAY:

Who contracts for these studies? Bob says we don't have any money, but any private firm?

BY GORDON LANCE:

Yes.

BY ERNEST NIEMEYER:

Do you furnish equipment?

BY GORDON LANCE:

No, the Chicago district has no longer any ability for soil testing. Some of this is down in the park district, not our district.

BY ERNEST NIEMEYER:

At this time would you like to make observation, Mr. Berry?

BY LEE BERRY:

The Senator already alluded to Public Law 92-500, Section 314.

92-500 is the same law which provided a bulk of the money to develop the sanitary sewer system a couple years ago. This is a different section of the law, one which I must confess I don't have a great deal of familiarity. I think, Jack, I understand that you have been in touch with E.P.A. about this application for this program. You may want to say something about this.

BY JACK LeMAY:

I did contact, but I have nothing.

BY LEE BERRY:

We'll take care of that. Whether it's this particular program which is established and set up for specific purpose, lake restoration, or whether it's some other kind of program that perhaps Congress would enact. Congress can enact something if something doesn't exist. That, of course, is not something that can happen inside a week or two, or even a month or two in so many cases. I think one thing that I need to say on behalf of Mr. Pithian is that we are willing to support whatever program is desirable and feasible and legal when it comes down to point of determination what can be done to alleviate this problem. It's a little bit like the situation on the Kankakee River which perhaps some of you are not quite concerned about as you are Cedar Lake, but it's a related problem, and the federal government does not want to be in the position of dictating what should be done in the local communities. We are willing to support efforts, that means trying to go to funding certain of that. That is something that we would be willing to work on. We can't say this is what ought to be done. In the first place we don't have the technical expertise, and in the second place, it would be bad business for the 'feds' getting into the business of how to dictate to the community, how to solve their problems.

We also need the cooperation of state and local governments. The congressman has discovered during his first term in office that experts were to have state and local support for any kind of proposed project. Without that support there is no project. So our role would be a supporting one, to help seek funding if that seems to be what is needed. We can contact the E.P.A., Jack, and find out why you haven't gotten a response.

BY JACK LeMAY:

We would appreciate that.

BY LEE BERRY:

We can discuss that between us, and we'll get right on that and see what we can do. Federal bureaucracy works in strange and wondrous ways, more strange than wondrous sometimes, but we will try to be sensitive to your desire in this regard, remembering, of course, to point out we have a paradoxical situation here in one sense, as Bob pointed out, any dredging in the lake, for example, would need a permit from the Corps due to the disposition of the film material. You would also need a permit from the Department of Natural Resources, and not because of the disposition of material, but because of removable material. So it does point out the necessity of cooperation, and there are no short-cuts.

I have attended enough meetings on the Kankakee problem over the last two years to understand that while sometimes things get very frustrating, it doesn't do any good for someone to say, "We'll work on it, take it into our hands," and go off half-cocked and try to do something without all the cooperation of all the parties involved. This only leads to potential suits and injunctions and all that goes with it. It can get pretty messy. The more we cooperate with each

other, talk and listen and work together, the better off we'll be in reaching some kind of solution to this problem. I don't have a lot of specific answers to questions about Section 314. I'm going to have to learn some more about this with some of the rest of you, but I'll pledge our cooperation, Jack, and cooperate with anyone who is interested in being sort of a liaison between you and the federal government. We have telephone lines, and time to work on things like that. You have other things to do, to make a living and put bread on the table. Our job is trying to shorten that job between Cedar Lake and Washington, D.C.

BY ERNEST NIEMEYER:

Tell your congressman to be sure he does not qualify Cedar Lake in the same category as Kankakee River. The problem is urban. Cedar Lake is under the control of the community. The Kankakee River is inter-state. I hope he looks at that as not a south county problem. We think Cedar Lake is definitely a problem of Cedar Lake. Ten, twelve, fifteen thousand people are depending on their livelihood, or recreation, or whatever. I want it to be known we definitely feel this is a separate, altogether different type of problem because it has to do with water and not tributaries or streams.

BY LEE BERRY:

Thank you. That's important. There is right now one primary difference. Your concern in many ways is not of water; Kankakee River is primarily that of too much water.

BY ERNEST NIEMEYER:

Mr. Mitnick, would you like to make a statement? Maybe you can help us. I know the legislature won't give you any money.

BY MILTON MITNICK:

I offer no promises. I represent a crisis-oriented agency. We are a state agency just like the Department of Natural Resources. We don't have what you call the technical expertise that is required. When it's required we call on DNR to give us that technical expertise. However, we do work under two public laws, rather three. I'll not talk about the third. Public Law 110, which is a state law, and Public Law 93-288 which is a federal law, the purpose of both of these basically is to fund the State Civil Defense Department and the State Resources in event of a disaster within the State of Indiana. Mind you, I use the word "disaster." Remember, that is the key word. A disaster can be declared by the governor or by the president of the United States. There is no, as the book says in Public Law 110 or 93-288, disaster existing today here. However, we were involved a few months ago. We got into the thick of it and I think that the senator and Mr. LeMay will back me up that we put in a lot of time and effort in trying to respond to your needs at that time. The Economic Development Administration and Farmers Home Administration came out with what they called Drought Impact Area law, and we were able to get forty counties in the State of Indiana declared drought impact areas. Again, I caution you they were not declared drought impact disaster areas, but just drought impact areas. We were fortunate to be able to get from them a half million dollar loan grant and loan money to these critical subdivisions. The problem we faced here, when we went up to Chicago they were very receptive to our problem. As a matter of fact, they took a great deal of interest and found out that you were refused assistance because you ran under what they referred to as Priority Two. The Priority One were those communities in the United States today which are having water hauled to them,

literally without water, and so you can't go to a lower priority and you were denied either grant or loan monies.

Now the Indiana Department of Civil Defense has a great concern here, and our concern is litigation of disasters. In other words, there could be a disaster here some day, and we want to attempt to avoid it.

Now I don't have technical expertise. We do have available and the know-how of reaching into our federal family and trying to find some source which could possibly assist you. Now tomorrow when I get back to Indianapolis, when I get back to my office I will initiate such an action through Mr. Donnaman who is the Washington director for liaison to our congressional delegation, who will follow that down in some way so that it will reach both the senators and congressmen Fithian and bring to them this very vital problem which exists here at Cedar Lake, and the importance of the litigation of a possible disaster which could take place perhaps five, ten or fifteen years from now. We don't know, but it could be a general situation causing tremendous hardship. Thank you.

BY ERNEST NIEMEYER:

We appreciate this very much. I think we got a few questions here that we need to have answered. You say you are willing to help in any way. We talked about Public Law 92-500, Section 314, is there any other area that you could offer us any help here before we begin discussion among the people here. Can any one of you panel members come up with something else that you could offer us, either from U.S. Senator Birch Bayh's office or anyone else. I'm not trying to put you on the spot, Mr. Berry, because you have to go back to the congressman and relate the information, and I know you will do research. The gentleman from the Corps has to go back and work with Mr. Cohart. We started talking about this a year ago in April, and I don't feel we

have moved in any direction. We are still talking about it. We did not approach E.D.A. I think Mr. Mitnick touched on that. That's the avenue we have to go. They deal as a federal agency, and we do think there is a possibility of assistance there.

Are there some other areas we could qualify because of the amount of people? The survey of Notre Dame said Cedar Lake, because of the amount of people that use the lake or depend on the lake, is the most priority situation in the State of Indiana, more so the lake in there.

They got federal assistance over in the northern part of the state between South Bend and Fort Wayne, so we know federal money was brought there to the state to help in lake restoration or water quality situation. So we will try any avenue you have open.

Before we get into group discussion, is there anyone on the panel who has anymore to offer?

BY BOB WARDA:

Yes. I did talk to a representative from E.D.A., Wayne Dorsky.

BY JACK LeMAY:

Yes, I did speak with him.

BY BOB WARDA:

First of all, it's a relatively new program, and funding on it is still going up and down. He has your files. As a matter of fact, I have them with me. I just talked to him this afternoon, and he says it does appear as though it might apply under Section 314, and if the application is forthcoming, he would be glad to process it, and this takes time.

BY JACK LeMAY:

We understand that.

BY BOB WARDA:

I would like to explain a little bit why the Corps cannot

become involved. Basically the Corps of Engineers is the construction arm of congress. Our authority comes directly from congress. When we become involved, it takes congressional authorization. Generally what happens, we have to go back to congress and prove that there are national benefits or widespread benefits. We also have to indicate that there is economic justification, and that the benefits exceed the cost of the project, and in doing this we also have to show that it's socially acceptable. In the case of Cedar Lake there is no congressional authorization. Our interest in water resource development is generally for navigation, beach erosion or lake restoration, and as much as it's needed, it's very difficult and almost impossible to justify a project and justify the expense for national interest.

BY STEVE GRISH:

When looking through your portfolio you will see quite a number of petitioners. I'm not saying this is of benefit nationally, but you will find here that the majority of these people come from other states, Illinois, Michigan, Ohio, Wisconsin and enjoy the waters of the lake. That might have a slight bearing on it.

BY BOB WARDA:

I appreciate that, and I fully believe you. Naturally by national benefits we mean widespread area, but I do think the benefits here are other than widespread. It's just dollar amount, dollar benefits as to what they could be. In our construction arm, recently we have become a delegatory function, and this is where the permits program has come in. So we have two separate acts, two separate activities.

BY ERNEST NIEMEYER:

The gentleman from the Commissioners office did not care to make a statement. I have asked him to look into the situation

we talked about earlier of the equipment they are talking about. If we should get something worked out where we talk about possibly moving some of the silt, that he will look into that and other areas. As you know, the commissioners are also the County Ditch Board. They will adjourn activities as commissioners and have full jurisdiction of all the tributaries of the county emptying into the main watershed, so there is another area. We would like to have the commissioners look into the possibility of having more input from tributaries that used to come in here that have been diverted. So take that back to the Commissioners' office.

At this time I would like to call on the gentleman from Senator Birch Bayh's office, Mr. Pentiss, if you would care to make a statement.

BY MR. PENTISS:

I think, like many of the people here, you know more about this project than I. The best thing that I can do is listen to some of the experts on the panel and work along with Congressman Fithian's office and our office in Washington in trying to accomplish more, and pump more information back to you and the people that have to get this project rolling. I think whatever we can do, we are more than willing to try and find out what is there under the law and how we can best work to secure some funds for this much needed project. So what I'll do is sit here and find out as much as I can. I talked to our office this afternoon in Washington, and our Special Projects Director was doing some research on a project, and so tomorrow when we put our heads together, we can try and come up with some of the preliminary answers and we will walk across the Capitol and see what we can put together with Congressman Fithian's office and try to get some funds together. For me this is to find out as much as I can, and we are willing to help. Thank you.

BY ERNEST NIEMEYER:

That's great, because also Senator Lou Carson contacted me.

He couldn't make it to the meeting. He sent his apology, and said he would like to have a record. We have a court reporter here keeping a record of the meeting. Each member of the panel will get a copy of that record, of everything explained here, so anybody who wants to have that sent, or needs a copy, we'll have full details of the meeting.

I would like to read a letter I read earlier from Professor Theis from Notre Dame. I'll read the last paragraph:

"I realize that you and especially the citizens of Cedar Lake are anxious to implement some action in aiding the situation. It's precisely because I feel strongly that some form of external plan has a good chance of success. I advise careful out-and-out approach such as surveys, as such approach need not delay unduly restoration measure. I believe an intensive six to twelve month effort could provide you enough information to submit an intelligent course of action. The cost to be kept minimum; I would guess \$50,000 to \$60,000. Such an effort might receive simultaneous support with certain plan activity, state appropriations, seeking federal funds, etc. In the meantime I would recommend continuing efforts to complete all sorts of elimination of nutrient sources essential to set restoration amount which the proper time accompanies the right proposals. I'll then be able to assist once again. Sorry I could not be at the meeting. -- Professor Thomas L. Theis Assistant Professor, Department of Engineering."

He is the gentleman who was able to work with the lake restoration area that got federal funding in the South Bend area, so he does have background. He did visit with me and Mr. LeMay about a month after we had our meeting in April, and he is going to be available to work with you people who will be on this. Somebody mentioned something about

three, or four or five million dollars. I know right now we are talking about a long range program, whether through Congress or otherwise, except for grants qualified under E.P.A. We are talking about organizations that are ready to talk business with us, so we better start talking about a program feasible that we can possible phase into, start a program that would start the process of helping the lake, not necessarily dredge it or find more water resources at all one time. We hope that we can keep the thing status quo and go from there.

My contention, if we don't do something now within the next few years, I don't know what the timetable is, we know how it went in other years, sewers will run off water and other water which is supposed to go into the lake is not going there.

So with that I would like to ask Mr. LeMay if he would like to make a statement, and then go on to questions. I would like to ask you before we go to the questions, please do not get back into history of what your own common knowledge is. We brought this up before and the gentlemen heard it for about two hours a year ago. Direct your question to one of the panel members, ask whether they can help in a certain way, whether from state or federal level, and ask them or make a direct statement which you think they have some input to help us solve the problem.

Jack, would you like to make a statement?

BY JACK LeMAY:

I have listened to these gentlemen here this evening and I have heard contentiously said there is no money. I have one question before I make this statement. I would like to ask from the federal level legislative branch of these gentlemen here, whoever would like to answer,

if we could believe everything we have been told by those media, there have been terrific fines imposed against U. S. Steel and Sherwin Williams amounting to millions of dollars. What happened to this money. We don't see any of it coming back to us, at least I don't, and I would like to know what has happened to this money. If it's coming back, where is our share?

BY ERNEST NIEMEYER:

Would any one of you gentlemen care to speak on that question?

BY LEE BARRY:

I'm not familiar with what you say about U. S. Steel and Sherwin Williams, Mr. LeMay.

BY JACK LeMAY:

I just took U.S. Steel and Sherwin Williams as an example. Terrific fines in thousands of dollars have been imposed against these people. What has happened to this money. What are they doing, putting it back into the communities to solve these particular problems, and if so, where is our share, and if not, what has happened to it?

BY LEE BARRY:

I'll make that very short. I don't know what has happened to that money. I'll try to find out.

BY JACK LeMAY:

I would appreciate if you would find out. We would like to get our cut.

BY LEE BARRY:

I can say one thing, it's very unlikely that money that is coming back to the U. S. Treasury as a fine is necessarily going to be ear-marked. It goes into the general federal budget. So they are not going to take that money from U. S. Steel which happens to be in Indiana,

for example, that money is not necessarily going to find its way back to the same district, nor do I think it should happen that way. I think Cedar Lake deserves money. It ought to come from a program like Section 314 of 92-500. Your question is not irrelevant, but the fact is that money is not going to go directly from there to here because these two events happen to occur in the same community. Indiana does range very low. I heard the figure of 52 to 50 seconds on the state check in terms of receiving federal assistance. I'm not even sure whether that means per capita or percentage of dollars. I'm not sure here to point any finger as to why that happens, but it really doesn't do any good to speculate. The thing we need to know is what does exist. I think very candidly, I talked to our congressman about the possibility of any other congressional act which it would take to create additional programs. For example, if I point out the Corps cannot get involved, and you're absolutely right, Congress is not giving them that authority, I think it's not likely that Congress is going to give the Corps that authority. They are just not in the business of spending at this point, so I think our best chance lies with programs that are already in existence, particularly the ones we talked about. I realize that does not answer your question, but just to repeat one more time, the money would go back to the general federal budget.

BY JACK LeMAY:

I didn't necessarily mean that because money was taken from U.S. Steel and in the State of Indiana that it should necessarily come back to the State of Indiana. It would seem reasonable if it was leveled against a company for a violation that it should go back in for the same purpose.

And now I would like to refer to this book that Senator Niemeyer mentioned before. This was a survey in 1902. Now this is seventy-five years ago. At that time they stated that Cedar Lake was thirty foot, and also stated that we had a problem at that time, but made no recommendation as to the solution. We have had numerous surveys over the years since then up to '65 when there was another survey by the federal government. I'm not sure which agency it was, but they did recognize that we had a problem, and from thirty feet, the level of the lake at that time, they stated, was eighteen feet.

In '71 there was another survey and at that time they stated the level of the debth of Cedar Lake was nine feet. In seventy-five years this lake has lost from thirty feet down to nine feet, and it seems to me that if this progresses as it has, in the years to come, say in twenty-five years, the whole lake will be a swamp. That's why I agree with Senator Niemeyer, we have to do something and do it quick.

If funds are not readily available to us without a legislative act, I would like to say to the gentleman representing our Congressman and to U. S. Senator Niemeyer, let's cut red tape and introduce a bill, maybe get a new law if the law is holding up your funding, or an amendment to the law. It's the Chamber's position here that Cedar Lake doesn't only belong to the town of Cedar Lake, but the whole Tri-Creek area here, and that is Lowell, Cedar Lake, Crown Point, etc. and I know that the people in the Tri-Creek area, all of them I believe, would like to see something done, because it's a beautiful lake, and for recreational purposes if for no other purpose, and it's part of the water system because it feeds Lake Dalecarlia and so on down to the Kankakee River. We would like to get this cleaned up because pollution

is no longer our problem. According to what the Health Department tells us, it's a problem of stagnation, and everyone who lives in the lake area knows what the algae is in the lake. We would like to get that lake running over the dam again and the removing of silt which is choking up our springs. We would like to get something done, and I would like to say that we would more or less beg the Congressman and Senator to see what they can do, if it takes legislative action, so be it.

BY ERNEST NIEMEYER:

One point has been brought up which I think needs to be hit upon before we go to questions and answers. The springs, we have argument about that, but one area they talked about in this report, I think you remember, of activating four large pumps. They had two, but now are down to one. I would like to have someone from the DNR to say whether that is feasible route, pumping water, or recommend some other avenue. The gentleman from the Corps or from DNR?

BY BOB WARDA:

I really can't say.

BY ROBERT GLAZIER:

It's my feeling that such a project is a waste of time and money. It has been done in other places. At Bass Lake there is a pump they have been running for years. In my opinion all you are doing is recycling the water, pumping it out of the aquapura where it's being sucked out of the lake and at the same time pumping it around. What has been talked about, we have a lake where the bottom is sealed, and we have what we call a perched lake; you are pumping ground water into the lake and it stays there. It's the same situation as a bathtub. I

don't think you will have success with that. You would have to do a great deal of ground work. What you are talking about is bringing the water in from some place else and putting it in the lake, pumping it from a well a few feet away from the lake and probably in the same aqua pura the lake is fed by. You are not going to do any good. We have had this debate on Bass Lake. That isn't very far from here. They have run a pump for years. In my opinion it doesn't do any good.

BY ERNEST NIEMEYER:

I Don't have a question on that point. I have an observation, and I side with Bob there a little bit, but maybe a little bit different reason. In town here we have had problems with the two wells running. One of the wells was shut down from running twenty-four hours a day down to several hours a day, simply because it would tax our private wells to a point where they couldn't draw water for their homes. When the wells were shut off, I understand the water table eventually did build back up and people didn't have a well problem, so in that instance I believe our second well ended up being done the same way. Some people were having problems and they shut the water off, and I was told the private wells did come back. So for that particular reason I'm concerned about drilling extra wells simply because we don't want to harm the private wells. Private wells are superior in our town.

The other question is this mention by Mr. LeMay about E.P.A. EPA requires another surveyor's study. Is there a possibility that the work the Corps has done, the DNR has done, with all other engineering agencies over the years, could that be compiled or necessary? Either one of you could answer that? Would we have to come up with another complete study, or come up with another complete plan? Tell me, would

you cooperate with us in that way. Would you help us if we were to apply for a permit as far as engineering, etc.?

BY LEE BARRY:

As part of the question, Senator, I'm getting involved in some of these. I think Section 314. I can't keep up with it, federal bureaucracy, since I work with the state, but I think that is what they referred to, clean lake program, and I have been involved in other similar applications. As a matter of fact, there was one approved, as you mentioned, Skinner Lake. They got like \$400,000. It was a much, much smaller lake than Cedar Lake, so from that standpoint, there is money available, and they had funded it within the State of Indiana. Regarding what exactly would be needed to approve such an application, I can't really tell you.

On the other side of the coin, we work with those people to help them with the application, Congressman Roush's office at the time, and we certainly are willing to work with you people as far as compiling data or getting new data, if that is what has to be done.

BY ERNEST NIEMEYER:

We appreciate that.

BY STEVE GRISH:

Under that same point of interest, at the meeting of April of '76 you stated that Mr. King of Purdue was going to use Cedar Lake for a study. Did he ever start that study?

BY JACK LeMAY:

No. He did not make the meeting. Mr. Weirs is with the Water Resources of Purdue and is also in the process of helping with water

quality of some of the lakes in the State of Indiana. So he will be sent a report of this and asked whatever input he can give.

BY ERNEST NIEMEYER:

I would like to keep the format. If you have a statement to make, please keep it three minutes. If you have a question please direct your question either to the panel member you want or directly to the person you would like to answer. Come up and use the mike. Just stand up and state your name and if you represent an agency or private homeowner or a taxpayer, or just what you are, get up and state it and ask your question or make your statement. First hand over there. Your name sir?

BY TOM SPENCER:

Tom Spencer, Lowell Chamber of Commerce. We would like to make the statement that we are completely behind any cleaning up of Cedar Lake. We will do anything in our power to help.

By ERNEST NIEMEYER:

Thank you. The gentleman back there, state your name.

BY BOB SMITH:

Bob Smith, Town Trustee. I think the thing we are all interested in right now, and have been for years in Cedar Lake, is the level of the lake. Around July and August it's way down, and in '56 the Civic Club decided to build a two-level dam to hold in more water, keep it at a higher level, to keep it higher through the summer months, and at the same time they would control it and leave off some of the top water from time to time. I think that would be the first step you would want to do to maintain more water in this lake which is very stagnant around

July and August, and by doing that, keeping that extra water in the spring time, the water coming in there full force and going over the dam twelve feet above the dam level, we could hold that water in there, and I think that that would be a great step in the right direction.

BY ERNEST NIEMEYER:

Would you care to speak on that, Mr. Glazier?

BY ROBERT GLAZIER:

There is something we can do. This is the area we do have funds to do something about control structure. You are talking about two separate levels, as I understand?

BY BOB SMITH:

Yes.

BY ROBERT GLAZIER:

Okay. Just to explain to people very briefly, I don't want to spend too much time, but that would take a court order from the Circuit Court in Lake County which probably wouldn't be any great problem.

BY BOB SMITH:

We have a permit from the state; we neglected to put that in.

BY ROBERT GLAZIER:

There are a lot of things that have come up before my time. I'm not right up on, especially those situations. But that is something we have funds to build control structures, and we have got a big program. What we can do is put a priority on Cedar Lake and take a look at that situation and see if we can do something about it.

BY ERNEST NIEMEYER:

Thank you. The gentleman in the front row, state your name.

BY JAMES KUBAL:

First of all I want to thank, on behalf of the people here and the Chamber of Commerce, especially you, Senator Niemeyer, and the other people who graciously have come out to try to help. Give them a big hand.

I go along with the subject that Bob brought up on the dam. A number of years ago we ran into a snag. There was an injunction against that dam. There are two things I would like to bring up. In the spring of the year or in the winter, heavy rainfall, we lose millions of gallons of water off the top. That could be saved. And as Bob brought out, in the summer, if we could get the water flowing by regulating that dam, it would help. The town owns some property over here by the funeral home, and I know they can bear this out, the lake over the past twenty years expanded in width and length. Its shoreline, the land that was there, is no longer there, but the depth has dropped, as Jack LeMay stated, from thirty or forty feet to eight or nine or ten feet, but with that dam in there holding the water back which is a real detriment, we would save millions of gallons of water by holding it up when we need it and letting it out when we don't need it. That's very important. Senator, another thing was brought up about getting water into the lake. If you check by the dam, there is a ditch, and immediately to the north, when there is any heavy rainfall, millions of gallons of water doesn't go into the lake any longer; it goes into the ditch which sludges up all the farmlands between Cedar Lake and Lake Dalecarlia. That's one of the things that you might be of assistance.

BY ERNEST NIEMEYER:

Do you know the name of that ditch?

BY JAMES KUBAL:

Hog Pen Ditch.

BY ERNEST NIEMEYER:

The gentleman back there, state your name.

BY VERNON FATHKE:

Vernon Fathke, Cedar Lake. We already own two pumps. The idea occurred to me, going to make a massive withdrawal in drought weather, pumping into the lake. We might be able to use those pumps to recycle some of the springs you're talking about, and use those pumps to run off water back into the lake and keep the level of the lake at its height, where here we have an overflow most of the summer months.

BY ERNEST NIEMEYER:

Thank you. That's a suggestion that you can take under consideration. I think I would like at this time to give Mr. Fathke a little bit more credit. About a year and a half ago he called me up about a very interesting article and very interesting information regarding aeration of water. I have the information here. I did bring it up at the April meeting in '76. I do want to bring it up again this evening. It's just another possibility. The information here is very, very interesting, and it could have some possibility, and I just thought I would thank him for his interest in it and get it on the record again tonight that we have brought it up.

BY STEVE GRISH:

I'm glad you have, because everything I had I gave away to people I thought were interested.

BY VERNON FATHKE:

This would bring up silt from the bottom, which is what we call a rebuilt kind of septic state composition, up to the level where the water temperature is warmer and bring air to this matter, and you go from a septic state composition to a compost heap type of decomposition. Aeration would bring this nutrient up from the bottom and speed up their

decomposition rather than just laying there dark and cold on the bottom of the lake. I think the cost per machine is something like \$500 and would aerate fifty acres of water. If feasible at all, we are talking in terms of thousands of dollars rather than quarter of a million or half million kind of money that would be necessary to do something like dredging.

BY ERNEST NIEMEYER:

This is the very type of system that some of the lakes in Michigan and Wisconsin use. I was to a meeting where they showed this aeration, and according to what they are working with, that is something to think about very strongly, and we appreciate your information here.

Anybody else who would like to talk?

BY MR. TOOMEY:

My questions are mainly to the State Conservation. The reason for that, for the last fifty years we were in contact with them over Cedar Lake for any problem that arose. Whatever the problem was, we brought it up through the business association or whatever organization we had in Cedar Lake at that time. Now Cedar Lake - I notice tonight we call that a community project. We never looked at it that way. It was always a state project. We knew the state owned the lake, and no one in Cedar Lake had any authority on the water. We feel that the water is owned by the government. Whoever comes in and finds the water table is dropping is very concerned about that, so I would like the State Conservation to give us the water table level for the last ten years. Would they give that to the Cedar Lake Town Board and give that also to the Chamber of Commerce? You gave them reasons tonight why the water table dropped, and we realize that is serious, but we always regarded Cedar Lake as a state project for the reason Indiana has only a few lakes, like

Cedar Lake, Bass Lake, Lake Wawasee, Lake Maxinkuckee, and maybe a couple more, so we feel strongly that whatever is wrong with any one of those bodies of water, the state has the authority to come in and do with this what is supposed to be done to save that body of water. That is more important to the state than it is to the community even though we get the advantage of the lake. Anybody can buy any lake ground they want. If the state wants more property in Cedar Lake they can get all they want. They can buy also, but the main thing is the water is very serious and is a government project. So yes, we can help them, but we expect the state to give the leadership to whatever problem there is. We want them to study it. Cedar Lake has a basin. We believe it goes from the north end to the south end. The water goes from the shore out about two hundred feet and then starts getting deeper. Now how wide is this basin and how long is it? Could the state give us that record? We know there is silt on the bottom of the lake. We also want to know is it possible that in taking the silt out of the lake that it would in any way endanger the lake? We talked to the Conservation Department before on numerous occasions. At that time they said never experiment with Cedar Lake.

Cedar Lake is so important. In other words, God made the lake. He made us. He expects us to work together if we want to take care of the lake. We are not too smart. We have Indiana University, Purdue, Notre Dame. Among those experts, the professors that know about water, somebody should already know what we should do to Cedar Lake, and that is what I recommend.

BY ERNEST NIEMEYER:

Would anybody on this panel like to entertain this point or discuss it?

BY STEVE GRISH:

I think I know what Mr. Toomey was trying to say. I too am one

who does not feel that the community at Cedar Lake should be charged with the financial burden of taking care of the lake. We pointed out in our (letters here and reports in these portfolios to all of the gentlemen that will be reviewing them. We have done our financial share over the years through state licenses, hunting licenses, fishing licenses, boat registration fees, numerous projects.

Concerning the wells that were drilled and funds that it takes to keep these waters operating, that comes from our community. Some citizens have tried algae abatement program. One gentleman, I believe, has a small sand separator, trying to clean up a couple of springs in the lake. We have done our part, done a great deal to try to keep our lake alive. I mean - "our lake" - the State of Indiana, everybody's lake, and so we are not here to try to tax the people anymore from the community. We are here for the main purpose of getting state and federal help if need be. Thank you.

BY ERNEST NIEMEYER:

Let me further state, this has been a problem I run into from legislative standpoint. They say the private property owners own up to the water's edge, and the state has jurisdiction over the water. Then DNR says, "Yes, but even though the water belongs to the state under statute, we do not have any funds or any authority to do anything with the water." So you know we have got this continuous problem, and I think that since there aren't that many lakes, roughly half dozen lakes, in the State of Indiana that are effected in this way, that maybe we need to look at this thing from that viewpoint, because in all fairness to the citizens of Cedar Lake and the Town Board they are continuously putting it to a motion. In other words, how much funds should they use, and how will they get assistance.

Why should we use our money on water that doesn't belong to us. I believe that is a problem I would like to help try to solve.

Are there any other questions?

BY ART RABY:

I was wondering, maybe Birch Bayh's office could answer this question. I would like to know how unique is Cedar Lake's problem. If it isn't unique, there are other lakes with problems; are they being excluded? Are we the only people asking for money. Every time we go ask, everybody is shocked, as though nobody had ever asked for money before. Are we unique in this town, are we the only ones asking, or every Tom, Dick and Harry that has a lake?

BY BOB WARDA:

The Corps would like to make a statement. I would like to comment on Fox River which is a single channel lake and very similar to Cedar Lake. Lake properties were developed twenty to forty years ago as recreational homes. The area really wasn't significant or intended to become a full time development like now, but the situation arose where these homes are now year around residences. Nature wasn't designed to take this load for so long and so often, and now a number of areas are faced with the same situation. What has happened is precisely the same as here. They're finding out that it is very difficult to turn back something that has been going on for so long.

BY ERNEST MIEMEYER:

Thank you. I would like to recommend to both the gentleman representing Senator Birch Bayh's office and the gentleman representing Congressman Fithian's office if they could take this under advisement and consider and possibly recommend something to the legislature where we could probably work something out. This is a problem that has existed over the years, but now more and more people are depending on this lake.

BY RICHARD CASWELL:

I live in Cedar Lake. I would like to ask on both the state and federal legislature level why there are funds available for development of parks and recreational areas, yet no funds available for maintenance or improvement of the areas like this. For instance, if we were to go out and try to build a lake like Cedar Lake, the cost would be prohibitive, but I don't understand why there are no funds available to improve the situation.

BY GORDON LANCE:

I have a very simple answer to your question. It may sound factitious, simply more people have asked for the physical process, talking about expenditure of public monies. If there is sufficient pressure on the state and federal legislature, and Senator Niemeyer has forty-nine cohorts in the Indiana State Senate, if there is sufficient national and statewide following to bring this to the attention of the legislators, then you will find that there will be a solution undertaken, funding programs set up; that's national and state level. We are the second largest county in the State of Indiana, and the only lake in this county. I don't understand what kind of pressure we would have to exert in order to make people be aware of our particular problem in this particular locality.

BY GORDON LANCE:

I'm not going to tell you how to twist arms. That's certainly not my business. There are two levels of the government. We represent the implemenors, that's who we are, and we are representatives of those people who set the policy. I think the problem here is that if the

policy makers are too few in number to handle the jurisdiction of these type of problems, bring them to the State of Indiana and Federal government and enact special legislation for those problems.

BY ERNEST NIEMEYER:

You have a good point here. Steve Grish brought out a comment that hunting and fishing licenses and things that have to be qualified to use the lake, go into the state fund, getting into the reservoirs and wildlife areas, and I do think as a legislator that this isn't completely fair. In an area this big we have people from out of state that use this lake, and Cedar Lake community gets nothing. All the money goes to the state, and Lake County or Cedar Lake gets nothing. I know I'm going to ask some questions of Mr. Cloud who is the head of the Department of Natural Resources and see if some of this money could be diverted. Like we have highway funds where we are sixth from the bottom as far as getting money back for federal highways. The money is ear-marked for whatever the situation.

We have one of the biggest lakes and yet get nothing back by fishing licenses and boat licenses, etc. It's a good point.

Does the gentleman here from the Corps wish to comment.

BY BOB WARDA:

I don't think we can give you a satisfactory answer. There probably isn't one. It's relatively a recent problem. The problem has been developing for a long time, but really hasn't been recognized as a problem until very very recently. I think that's one thing. Number Two, the federal level has, as most of you know, 535 U.S. representatives and senators. In order to get anything passed you have to convince the House of Representatives, at least

223 people, men and women, to vote for something, and in the Senate you're talking about 51 people, before it becomes law. That's not an easy task.

Cedar Lake has a very big problem in south Lake County, and looms very large. I'm not in any sense trying to diminish the importance of Cedar Lake or south Lake County, but this is a big country. I'm trying to simply speak in realistic terms, fifty states. There are probably a lot of states which have very few lakes. It's simply a matter of anybody who sponsors a piece of legislation to convince his or her colleagues that it is important. We all know what that means. That means that you have to convince these people that the problem in your district is maybe more important than problems in somebody else's district in Mississippi who have a completely different type of problem. If this sounds like passing the buck, I'm sorry. This takes a whole lot of hard work, and as I pointed out before, right now I would not be in a position to promise any legislation in the near future to deal with this kind of problem. That doesn't mean it couldn't happen, but I have to go home and sleep tonight, and I don't want to have on my conscience the fact that I promised you something that the U. S. Congress is going to do. I don't think anyone can stick out their necks, because you have 535 people in the House of Representatives that you have to deal with.

There is a problem in Lake Wawasee in Kosciusko County. Lake Wawasee is the largest national lake in the State of Indiana, 3600 acres, I believe - is that right?

BY GORDON LANCE:

3600 acres.

BY BOB WARDA:

Their problem is not quite the same as yours. It deals with a couple forms of algae that has been growing, and they are not sure what makes it brown, and there are studies being made. They haven't received any help either. Their problem is being studied by Purdue biologists, but it's a slightly different type of problem, although one they are very much concerned about, and caused by over development that was just referred to just a minute ago. Of course, as referred to by others, there is a federal program, Section 314 of Public Law 92-500 which does speak on this issue, and we have an application here and Bob is going to make one of these available to Jack LeMay. We'll be working, trying to find some people who can help assist with filling out the application. That isn't something that just anyone who wants to can sit down and work on, so we'll be working on that effort.

BY ERNEST NIEMEYER:

We have been here two hours and I think that Mr. LeMay has a point to bring up.

BY JACK LeMAY:

I would like to direct this question to the DNR. Since it's your stated policy to reserve the wetlands of the State of Indiana, and you say there is no money and no funding, how do you propose to do this?

BY ROBERT GLAZIER:

As I said before, we are a regulatory agency, and we issue permits for people to do things. That is what that wetland policy is that we were talking about, and a lot of people at Lake Wawasee are trying to fill in wetland, got involved with the courts and ran into injunctions, and all that kind of stuff.

That brings up another program which has been funded by the legislature, and that is the Wetland Acquisition Program. I don't

remember the exact amount of money, not a great deal of money, something line \$100,000 a year, or \$200,000 biennially is funded by the legislature for Division of Fish Law to purchase wetland areas and preserve them. So those are the two ways we are preserving wetland areas.

BY ERNEST NIEMEYER:

A suggestion was just made to me. I want you to know how many votes it takes in the U. S. Congress; 26 votes in Indiana Senate, and 51 in the House of Representatives, and it takes the governor's signature on it, and it has to go through a committee. And if Congress doesn't want to hear a bill, it won't hear it. It's a rough route to go. Still these things we are talking about, we are getting a record of. I intend to get every legislator in the State of Indiana a copy of it, a digest, not the whole thing, because they won't get past the second paragraph. I intend to get them a digest and tell them how concerned people are out here.

Does the gentleman there care to be heard?

BY MR. BARLIN:

I'm Mr. Barlin from Griffith. I live in Griffith but I have a residence lot here in Cedar Lake. I'm interested in seeing if we can do things together. I don't think we answered Rick Caswell's question very well. I think the two people from the Department of Natural Resources ought to say a little more to us about how we can solve this problem. As Mr. Toomey pointed out, this is a state body of water.

The head of the Department of Natural Resources, Mr. Cloud, used to be a state representative. We have two representatives in Indianapolis. Ernie is a Republican. The Department of Natural Resources is under the Governor. I think you know his party. It's up to us to get the Department of Natural Resources to put some money

in their budget request to take care of Cedar Lake. It's up to us to back Ernie and Fifield and Jerry Repoa in seeing to it that this money which needs to be put into the Department of Natural Resources stays in the budget. Now the budget is made up every two years. Ernie knows, and these two fellows from the Department of Natural Resources know more than they said.

Coming up in a couple weeks from now, October 5th, there is an interim budget committee, and they are going to add to the budget of the state possibly for the coming year. If you want to get some money right now, these men from the Department of Natural Resources have asked for the money, and we have to support Ernie and our representatives in getting that money. We have to get the show on the road, just a little bit of a start, but it's easier than starting with the federal government.

BY ERNEST NIEMEYER:

One point, when you come down to the Senate, Republicans are in the minority, and all the charmers are Democrats, so we have to sway the Democratic senators also. They are really working under department heads, and I'll surely take your message, I'll take it to Mr. Cloud. He is the man that has to go before the budget committee, Joe Cloud. We'll give the message strong and clear.

We have a hand back there.

BY EVELYN FITZGERALD:

I'm Evelyn Fitzgerald from the Business and Professional Women's Club. In the 1902 survey, did it pinpoint the area of the springs? If it did, and you should decide to drill, will the drilling be cheaper by going by that survey?

BY JACK LeMAY:

In the report that I have here in front of me, it doesn't pinpoint the springs. It just says this was a spring-fed lake, and

many springs, but it doesn't pinpoint the springs. If they did, it would be in another report.

BY ERNEST NIEMEYER:

There is another hand.

BY BOB GRAINER:

I'm Bob Grainer, a resident of Cedar Lake. We don't hold the fact that you are a Republican against you, Ernie. We love you, even my wife, and you know where she works. Anyway, I heard a lot of talk of money that ranged from a few thousands of dollars to fifty or sixty thousand dollars, to up to four million dollars, and my observation was just this: I would like to know from the heads of these departments here what plan or proposal or plan of action is going to have to be taken, and where is it going to come from. If they expect it to come from the citizens of Cedar Lake, I would concur with the gentleman over here, Mr. Toomey, that this is a state problem. It's your problem, heads of the departments up there, and I would think that it would be you gentlemen, your offices that would come up with a proposal and the amount of money that you could expect to spend. I don't believe you could go before the legislature and say, "We've got to have some money for Cedar Lake, but we don't have any figures to work from, nothing concrete to work from." Unless you have a plan, how can you go and ask for money. You don't know whether you are asking for a few thousand dollars, as this gentleman suggested, or four million dollars that the professor from Notre Dame suggested that we needed to clean up Cedar Lake. I would just like to point out the fact that I think right now is the need for a plan, and I think it's going to have to come from the state department heads, whatever action they have to take, whatever testing, whatever research they have to do. I think it's you people that owe us that much anyway, to come up with a plan. We could come up with all kinds of ideas out

of the audience here, expertise from around the lake, but it's still you people that are going to have to approve it, and I think you have more expertise to work with than we do, and you are to come up with a plan of proposal. Thank you.

BY ERNEST NIEMEYER:

I'll personally see they get these reports.

BY BOB GRAINER:

If you go for any monies before the legislature, you have to have a definite plan already manufactured and already implemented in order for them to give us money. They don't fund any money for experimental plan. The funding will have to come either through the transferring of funds which I would like to look into, or new monies, and that will take two years. There is no way the legislature will appropriate any money for any kind of project unless there is a two year study made.

BY ERNEST NEIMEYER:

Did we have one gentleman here, he had his hand up before? Do you want to make a short statement?

RON JOHNSON:

I'm Ron Johnson, a resident of Crown Point. I want you to know that we in the north end and south end are separate, and unite with you in this effort. For the folks in Crown Point, and Lake County this has been a pleasant place to be.

BY ERNEST NIEMEYER:

Thank you, Ron. Let me just follow by saying when you can get people from this many departments, that's progress. Jack and Steve Grish and I and others worked at this for two months. We went to Chicago one day. Mr. Mitnick and I talked about one-way approaches, get more people involved in state and federal government. Tonight we have representatives from both, U. S. Senators, Congressman,

Army Corps of Engineers, two representatives from DNR. I think that is progress regardless we didn't solve any problems, but I do think we have come a long ways, and I think they realize Cedar Lake is very important. And all you people turning out here tonight. I would like to see people stacked. We should have 500 people here. You are here and concerned. At a meeting one person represents about one thousand, so don't feel bad there isn't a big turnout. When all these people have this kind of interest, there has to be some input, and I know I have gotten more out of it because there were things said to me that were never said before pertaining to this lake. And I think we can again challenge them and hope that Congressmen and U. S. Senators will take that back, and we are going to see that all the other congressmen are going to get copies, and we'll go from there.

Now Mr. Grish would like to make a statement.

BY STEVE GRISH:

The last thing I would like to say is that this meeting came at a little bit of a conflict in time. Some of our representatives from town are in Indianapolis, Conference of Cities and Towns. The clerk-treasurer was not able to be here tonight with the tape recorder, and I don't know how to run it. I don't want to wreck it. I'm going to take back to the Town Board a little bit of hope. We might be able to help the Chamber of Commerce cover a little bit of paper expense that is going to come from this meeting, as far as reports. I know Bob Smith is here; I think Frank Stephens is here, Town Board president also. They could come. Frank King is here also. At least we got some of us here. I think the rest are all tied up with other conferences. I'll take that information back to the Town Board. Thank you.

BY ERNEST NEIMEYER:

Any other members of the panel care to make a statement, or is there anybody else who would like to say something to the group here before we close?

I want to thank you personally. I think you know I feel we have accomplished something. We didn't promise you \$100,000 or \$500,000; didn't promise any dollar figure, but this one area we talked about, both Congressman and U. S. Senators and gentleman from the Corps, Section 314 of Public Law 92-500 is the area definitely a channel. We have an application right here from the gentleman from the Corps. We're going to get these filled out tonight, so we haven't tried that avenue yet. They all seem to think this is one area available to us. They got help from them in South Bend, so we have one foot in the door. Jack, do you want to close the meeting.

BY JACK LeMAY:

Before closing, I think Senator Niemeyer minimized his efforts and the efforts of Mr. Mitnick, because when we were going through the hassel with F.H.A. and E.D.A. Mr. Mitnick was invaluable to me. Whenever I needed information. they asked me for, new information, I found Mr. Mitnick and he came up with it. He put in a tremendous amount of effort into it; Senator Niemeyer put in a tremendous amount of effort into this thing, endless hours and gigantic efforts. So these two gentlemen, I say give them a hand.

One other thing I would like to say before closing, this has been a joint effort between the Chamber of Commerce and the Cedar Lake Town Board of Trustees, and the Cedar Lake Town Board of Trustees delegated Stephen Grish to work with me. He worked with me and he put in a lot of hours on this thing too, so I want to thank the Town Board and the rest of the gentlemen here behind this table for giving us their valuable time, because I know they are all busy men. I want to thank Tom Spencer for his support and the rest of the gentlemen with him, and the organizations that have come to attend this meeting, other communities, other than Cedar Lake. I want to thank you, one and all, and with this, the meeting stands adjourned.
